

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

The U.S. Department of Labor, Occupational Safety and Health Administration, promulgated a new standard concerning confined spaces in the construction industry. The Iowa Labor Commissioner must adopt the federal standards by reference.

Confined spaces present a wide range of atmospheric and physical hazards to workers. A comprehensive standard for confined spaces in general industry has existed since 1993, while workers in the construction industry have been protected only by a training requirement. The new standard for the construction industry is similar to the general industry standard but also recognizes hazards specific to construction and new technologies.

The principal reasons for adoption of this amendment are to implement legislative intent, protect the safety and health of Iowa workers, and make Iowa’s regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1) and 29 CFR 1953.5, Iowa must adopt changes to the federal occupational safety and health standards.

Notice of Intended Action was published in the June 10, 2015, Iowa Administrative Bulletin as **ARC 2023C**. No public comment was received on the proposed amendment. This amendment is identical to that published under Notice of Intended Action.

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, jobs could be impacted. However, this amendment is implementing federally mandated regulations, and the State of Iowa is only implementing the federal regulations. The requirements imposed on Iowa businesses by these regulations do not exceed those imposed by federal law.

This amendment is intended to implement Iowa Code section 88.5 and 29 CFR 1953.5.

This amendment shall become effective on October 21, 2015.

The following amendment is adopted.

Amend rule **875—26.1(88)** by inserting the following at the end thereof:
80 Fed. Reg. 25518 (May 4, 2015)

[Filed 8/18/15, effective 10/21/15]

[Published 9/16/15]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 9/16/15.